

From: andrewa@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/9/01 9:37pm
Subject: Microsoft Settlement

To whom it may concern:

As a computer software developer, I am reading over this proposed settlement as carefully as I can, and can see places where the language is either a little ambiguous, or does not provide for certain possibilities. I will go through this proposed settlement, and point out changes that I see could stand to be made:

The first part under section III "Prohibited Conduct" seems to not make any provisions for a company to have two product lines: Computers with the Microsoft Windows product, and computers with another third-party operating system (such as Linux, BSD, or Be, Inc's BeOS, etc). Provisions are made to allow a company to have both, with bootloaders or such to allow the user to select the OS, but nothing seems to prevent Microsoft from disallowing companies to sell machines with only a third-party operating system on it, if they sell machines with Microsoft Windows as well. What language does exist in this proposed agreement, is vague, and seems fraught with possible loopholes.

Part E of Section III deals with interoperability being allowed. It seems to imply that APIs should be allowed, but it only seems to apply toward communication formats, and nothing is said about what Microsoft may charge potential users of these formats to obtain them. Nothing is also said of what restrictions MS may place on users of the formats. Thus, MS could sell the formats for a paltry sum of \$10,000 - and only allow them to use them if they sell their own product for a certain amount. Free Software (ie, GPL'd Software - see www.gnu.org), which relies on mostly community effort, would never be able to afford these API definitions, and furthermore would not be able to use them, since Free Software, while not necessarily free in the monetary sense, also relies on openness of code. Microsoft could simply say that in order to use the APIs, you can't distribute source, thus cutting off access for Free Software developers, and continuing their monopoly in the face of their competition. Lastly, this section deals only with communications formats - what of the other "real" formats, such as file formats for documents (Word .DOC formats), spreadsheets (Excel formats), etc? These are the lynchpin formats. Having these formats be open and freely available would allow the development of competing office productivity software by competitors, who could assure users of MS Office that they can easily load and use the millions of MS Office files they have already created. This is where the real competition needs to be.

I do not see this particular settlement to be a good thing. Microsoft is laughing at the government, at the public, at everyone. They have been

judged an illegal monopoly, something that has harmed consumers!

You and I!

Yet, they have not had to pay anything - and are looking like they will be able to continue with their illegal monopoly. It is with a heavy heart that I see this - it seems like the rights of a corporation mean more than my rights as a citizen of this country.

Let me ask you something else: Remember all of these email viruses that go around? Think about them for a minute. How much lost time is spent on these things.

Does it occur to you that they are allowed to propagate because of insufficiencies in Microsoft Software? Namely, Microsoft Outlook, and IIS? Why have they not had to update their software?

What if people could have a viable alternative, in the form of Free Software, GPL'd Linux, or even other third party OS's?

Most people don't want this - because they know they will have problems getting their documents to load, etc - because they are in locked down proprietary Microsoft file formats - and if they switch to another OS, they won't be able to do a conversion, plus, anything they create won't be able to be read by the people and companies they work with, because everybody else is using MS software. It is a vicious circle, and oroborus eating its tail - that can't be broken because the formats are unavailable to the people who need them most: Developers of Free Software.

Don't let this go by this way - change the language - I implore you, as I am sure many, many others have as well (in much more elegant manners, too, I imagine)! I don't want my children living in a Microsoft dominated culture - I am sure you don't want that either.

The time is now - it must start now. If we wait - it will be too late. Microsoft is rapidly moving to a different revenue model - something where you won't buy your OS, but will instead lease it - perhaps even to the hour - pay \$3.95 now, or your document goes "Bye-Bye"! They could wield this like a hammer to hold consumers (nee, citizens!) and other companies hostage to thier wills and whims.

Please, change this now - before it is too late!

Sincerely,

A concerned citizen and software developer:

Andrew L. Ayers

2305 East Quail Avenue
Phoenix, Arizona 85024